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December 18, 2023

Hon. Malachy E. Mannion
William J. Nealon Federal Building & U.S. Courthouse
235 N. Washington Ave.
Scranton, PA 18503

VIA CM/ECF ONLY

RE: Shannon Dodge v. Credit Control, LLC
Docket No. 3:23-cv-920-MEM

Dear Judge Mannion:

Pursuant to the scheduling order filed at Doc. 10, I am writing to request that the Court schedule a telephonic discovery conference in this matter. By way of background, Plaintiff served written discovery requests on Defendant. Defendant responded to these requests on October 25, 2023. In Defendant's responses, it became clear to Plaintiff that additional information existed, and that this information seemed to be connected with a third-party vendor that performed certain tasks on Defendant's behalf. However, Defendant did not, and has not, disclosed the identity of the third-party vendor. Importantly, Plaintiff's claims are, in part, premised on a January 31, 2023 telephone conversation that occurred with this third-party vendor.¹

Less than 30 minutes after receiving Defendant's discovery responses, I contacted Defendant's counsel by email and raised the issue of preservation of documents associated with the activities that

¹ After receiving the discovery responses, Plaintiff filed, with Defendant's consent, an amended complaint that raises a new claim directly related to Defendant's disclosing Plaintiff's information to a third-party. However, Count 2 of Plaintiff's original complaint was based on a telephone call that appears to have been conducted by this third-party on Defendant's behalf.

this third-party performed on Defendant's behalf. However, despite at least five requests from Plaintiff, Defendant has refused to commit to ensuring that the third-party information has been preserved—and Defendant has not produced this information in a supplement. And, as the one-year anniversary of the phone call in question is approaching, it is growing increasingly likely that this information may be deleted by the third-party—who may not even be aware that the information is relevant to a lawsuit and should be preserved.

Thus, Plaintiff is requesting a discovery conference, and will ask that the Court enter an order requiring that Defendant ensures the preservation of this third-party information, and to also require the production of any such information to Plaintiff.

Thank you for your time and attention to this matter.

Sincerely yours,

/s Brett Freeman

Brett Freeman

cc: Brendan Little (*via CM/ECF only*)